

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Alan K. Schaer  
Application No. 10/805,738  
Filed: March 22, 2004  
Art Unit: 3742  
Examiner: Quang T. Van

Title: Catheter Positioning System

Mail Stop Appeal Brief – Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

REPLY TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF  
(37 CFR § 41.37)

This Reply is in response to the Notification of Non-Compliant Appeal Brief mailed February 20, 2007. The Patent Appeal Center Specialist found the Appeal Brief filed on January 2, 2007 to be defective for two reasons: (1) an improper concise explanation of the claimed subject matter; and, (2) the lack of a signature on the Appeal Brief in reply to Sections 4 and 10 of the Notification.

Applicant hereby submits an amended version of Section (v) of the Appeal Brief - Summary of the Claimed Subject Matter attached hereto as Appendix A in response to Sections 4 and 10 of the Notification. The elements of independent claim 1 have now been mapped to the specification and drawings.

Additionally, Applicant hereby submits an executed copy of the Appeal Brief filed January 2, 2007 attached hereto as Appendix B in reply to Section 10 of the Notification.

No fee is thought to be necessary to enter this Reply. If an additional fee is required, the USPTO is hereby authorized to charge the Applicants' Deposit Account - Account Number 10-0750/ATR-15CON/WAS.

Applicant respectfully requests the USPTO to contact the undersigned by telephone at (732) 524-6656 if any deficiencies remain in the Appeal Brief as amended and resubmitted with this Reply. Consideration of the Appeal Brief as amended is hereby respectfully requested.

Respectfully submitted,

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## Appendix A – Amended Section (v) of the Appeal Brief submitted January 2, 2007.

## (v) Summary of Claimed Subject Matter

The presently claimed invention relates to a positioning system adapted to guide a medical device, preferably an ablation element, to a location where a pulmonary vein extends from an atrium. The positioning system includes a transeptal sheath **82** [¶0145-¶1048, FIGS. 6-8] inserted through an atrial septum that separates the right atrium from the left atrium in the heart. The system further includes a guiding introducer **10** [¶0063-¶0068, FIG. 1-3 and ¶145-147, FIGS. 6-7] slideably engaged within the transeptal sheath that has a preshaped distal portion adapted to direct the medical device (such as ablation element **110** [FIG. 7] toward the pulmonary vein. The positioning system also includes a torqueable and steerable deflectable catheter **94** [¶0146-¶0149, FIGS. 7-8] on which the medical device is disposed. A pullwire in the deflectable catheter deflects the distal end of the catheter so that the catheter and the medical device thereon can be advanced through the guiding introducer that is pre-shaped in order to direct the catheter toward and into the pulmonary vein [¶ 146-148, FIG.7]. In dependent claims 8-12, the ablation element comprises a microwave ablation element [¶0090], a cryogenic ablation element [¶0031], a thermal ablation element [¶0090], a light-emitting ablation element [¶0090] and an ultrasound transducer [¶0167] respectively.

APPENDIX B – Executed Copy of Appeal Brief filed January 2, 2007